IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3494 OF 1996

Ramchand Menghani ..Petitioner.

Vs.

State of Maharashtra & Ors. ..Respondents.

....

Mr.S.P.Kanuga for the Petitioner.

Mr.C.R.Sonawane, AGP for Respondent Nos.1 to 4.

....

CORAM : F.I.REBELLO &

DR.D.Y.CHANDRACHUD, JJ.

15th September, 2005.

P.C. :

1. The Petitioner was admitted against a seat reserved for Nomadic Tribe. An application for verification was forwarded. By a communicated dated 18th June, 1996, the Petitioner was informed that the caste claim cannot be considered because the caste claim for persons who migrated to India from Sindh State is pending in the Apex Court. The Apex Court subsequently in **State of Maharashtra v. Tanuja** (AIR 1999 SC 791) has held that the Bawa

community is entitled to the benefits reserved for Nomadic Tribe by Government Resolution dated 21st November, 1961.

2. In the meantime, the Petitioner has completed his studies. Considering the above, the Petition can be disposed of by issuing the following directions :

There shall be no interference with the qualification already obtained by the Petitioner. However, in the event the Petitioner seeks to avail the benefit as beloning to Bawa community, he will not claim any such benefit till the caste claim is verified by the Validity Committee.

Rule made absolute accordingly. There shall be no order as to costs.

(F.I.REBELLO, J.)

(DR.D.Y.CHANDRACHUD, J.)